

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x
UNITED STATES OF AMERICA :
:
- v. - :
:

DIN CELAJ, :
MOHEED OASMAN, :
a/k/a "Feisal," :
XHAVIT CELAJ, :
a/k/a "Jerry," :
ALI ZHERKA, :
ARBER SELIMI, :
BESMIR BOSHNJAKU, :
ROBERT MELVILLE, :
RACHEL LUTHER, :
:
Defendants. :
:
- - - - - x

USLC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: SEP 05 2007

INDICTMENT

07 Cr. 837

COUNT ONE

The Grand Jury charges:

1. From at least in or about early 2007 until on or about July 8, 2007, in the Southern District of New York and elsewhere, DIN CELAJ, MOHEED OASMAN, a/k/a "Feisal," XHAVIT CELAJ, a/k/a "Jerry," and ALI ZHERKA, the defendants, together with others known and unknown, unlawfully, willfully and knowingly combined, conspired, confederated and agreed together and with each other to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b) (1), to wit, the robbery of money and drugs from drug dealers and money from business owners, and thereby would and did obstruct, delay, and affect commerce and the movement of articles and commodities in

Judge Marrero

commerce, as that term is defined in Title 18, United States Code, Section 1951(b) (3).

(Title 18, United States Code, Section 1951.)

COUNT TWO

The Grand Jury further charges:

2. In or about May 2007, in the Southern District of New York and elsewhere, DIN CELAJ and XHAVIT CELAJ, a/k/a "Jerry," the defendants, unlawfully, willfully and knowingly did commit and attempt to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b) (1), and thereby would and did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b) (3), to wit, DIN CELAJ and XHAVIT CELAJ, a/k/a "Jerry," stole money and marihuana from a drug dealer in the Bronx.

(Title 18, United States Code, Section 1951.)

COUNT THREE

The Grand Jury further charges:

3. In or about June 2007, in the Southern District of New York and elsewhere, DIN CELAJ, the defendant, unlawfully, willfully and knowingly did attempt to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b) (1), and thereby would and did obstruct, delay, and affect commerce and the movement of articles and commodities in

commerce, as that term is defined in Title 18, United States Code, Section 1951(b) (3), to wit, DIN CELAJ posed as a police officer in an attempt to rob cocaine from a drug dealer in Manhattan.

(Title 18, United States Code, Section 1951.)

COUNT FOUR

The Grand Jury further charges:

4. From at least in or about early 2007 until on or about July 8, 2007, in the Southern District of New York and elsewhere, DIN CELAJ, MOHEED OASMAN, a/k/a "Feisal," XHAVIT CELAJ, a/k/a "Jerry," and ALI ZHERKA, the defendants, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

5. It was a part and an object of the conspiracy that DIN CELAJ, MOHEED OASMAN, a/k/a "Feisal," XHAVIT CELAJ, a/k/a "Jerry," and ALI ZHERKA, the defendants, and others known and unknown, unlawfully, intentionally, and knowingly would and did distribute, and possess with intent to distribute, a controlled substance, to wit 50 kilograms and more of marihuana, in violation of Title 21, United States Code, Sections 812, 841(a) and 841(b) (1) (C).

(Title 21, United States Code, Section 846.)

COUNT FIVE

The Grand Jury further charges:

6. In or about June 2007, in the Southern District of New York and elsewhere, MOHEED OASMAN, a/k/a "Feisal," the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

7. It was a part and an object of the conspiracy that MOHEED OASMAN, a/k/a "Feisal," the defendant, and others known and unknown, unlawfully, intentionally, and knowingly would and did distribute, and possess with intent to distribute, a controlled substance, to wit 500 grams and more of cocaine, in violation of Title 21, United States Code, Sections 812, 841(a) and 841(b) (1) (B) .

(Title 21, United States Code, Section 846.)

COUNT SIX

The Grand Jury further charges:

8. From at least in or about January 2007 until on or about July 8, 2007, in the Southern District of New York and elsewhere, DIN CELAJ, MOHEED OASMAN, a/k/a "Feisal," XHAVIT CELAJ, a/k/a "Jerry," ALI ZHERKA, BESMIR BOSHNJAKU, and ARBER SELIMI, the defendants, and others, known and unknown, unlawfully, willfully, and knowingly did combine, conspire,

confederate, and agree together and with each other to commit offenses against the United States, to wit, to violate Sections 2312 and 2313 of Title 18, United States Code.

9. It was a part and object of the conspiracy that DIN CELAJ, MOHEED OASMAN, a/k/a "Feisal," XHAVIT CELAJ, a/k/a "Jerry," ALI ZHERKA, BESMIR BOSHNJAKU, and ARBER SELIMI, the defendants, and others known and unknown, unlawfully, willfully, and knowingly would and did transport in interstate commerce motor vehicles, knowing the same to have been stolen, in violation of Section 2312 of Title 18, United States Code.

10. It was further a part and object of the conspiracy that DIN CELAJ, MOHEED OASMAN, a/k/a "Feisal," XHAVIT CELAJ, a/k/a "Jerry," ALI ZHERKA, BESMIR BOSHNJAKU, and ARBER SELIMI, the defendants, and others known and unknown, unlawfully, willfully, and knowingly would and did receive, possess, conceal, store, barter, sell, and dispose motor vehicles, which had crossed a State boundary after being stolen, knowing the same to have been stolen, in violation of Section 2313 of Title 18, United States Code.

OVERT ACTS

11. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts were committed in the Southern District of New York and elsewhere:

a. On May 23, 2007, DIN CELAJ, the defendant, drove a

stolen Lexus GS-470 (the "Lexus") to a location in the Bronx.

b. On May 23, 2007, DIN CELAJ, the defendant, sold the Lexus in Hackensack, New Jersey.

(Title 18, United States Code, Section 371.)

COUNT SEVEN

The Grand Jury further charges:

12. From at least in or about January 2007 until in or about August 2007, in the Southern District of New York and elsewhere, DIN CELAJ, ROBERT MELVILLE and RACHEL LUTHER, the defendants, and others, known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Section 1341 of Title 18, United States Code.

13. It was a part and object of the conspiracy that DIN CELAJ, ROBERT MELVILLE and RACHEL LUTHER, the defendants, and others, known and unknown, unlawfully, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises to which they were not entitled, and for the purpose of executing such scheme and artifice and attempting so to do, did place in a post office and authorized depository for mail matter, matters and things to be sent and delivered by the Postal Service, and did

deposit and cause to be deposited matters and things to be sent and delivered by private and commercial interstate carriers, and did take and receive therefrom, such matters and things, and did knowingly cause to be delivered by mail and such carriers according to the direction thereon, and at the place at which they were directed to be delivered by the persons to whom they were addressed, to wit, CELAJ, MELVILLE and LUTHER devised a scheme to defraud insurance companies of insurance payments based on false claims of car theft, in violation of Title 18, United States Code, Section 1341.

OVERT ACTS

14. In furtherance of the conspiracy to and effect the illegal object thereof, the following overt acts were committed in the Southern District of New York and elsewhere:

a. On or about May 1, 2007, DIN CELAJ, the defendant, sold a car belonging to ROBERT MELVILLE, the defendant, to an undercover NYPD detective.

b. On or about July 16, 2007, RACHEL LUTHER, the defendant, mailed an affidavit of theft to Progressive Insurance Company.

(Title 18, United States Code, Section 371.)

COUNT EIGHT

The Grand Jury further charges:

15. From at least in or about May 2007 until in or

about August 2007, in the Southern District of New York and elsewhere, DIN CELAJ, ROBERT MELVILLE and RACHEL LUTHER, the defendants, unlawfully, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises to which they were not entitled, and for the purpose of executing such scheme and artifice and attempting so to do, did place in a post office and authorized depository for mail matter, matters and things to be sent and delivered by the Postal Service, and did deposit and cause to be deposited matters and things to be sent and delivered by private and commercial interstate carriers, and did take and receive therefrom, such matters and things, and did knowingly cause to be delivered by mail and such carriers according to the direction thereon, and at the place at which they were directed to be delivered by the persons to whom they were addressed, to wit, CELAJ, MELVILLE and LUTHER devised a scheme to defraud Progressive Insurance Company of insurance payments based on a false claim of a car theft, and mailed, and caused to be mailed, documents to and from Progressive related to the false claim.

(Title 18, United States Code, Sections 1341 and 2.)

COUNT NINE

The Grand Jury further charges:

16. From at least in or about early 2007 until on or

about July 8, 2007, in the Southern District of New York and elsewhere, DIN CELAJ, MOHEED OASMAN, a/k/a "Feisal," and XHAVIT CELAJ, a/k/a "Jerry," the defendants, unlawfully, willfully and knowingly used and carried, and aided and abetted the use and carrying of, a firearm during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, to wit, the crime charged in Count One of this Indictment, and possessed, and aided and abetted the possession of, a firearm in furtherance of said crime, during which a firearm was brandished and discharged.

(Title 18, United States Code,
Sections 924(c)(1)(A)(i), (ii), and (iii), and 2.)

COUNT TEN

The Grand Jury further charges:

17. In or about May 2007, in the Southern District of New York and elsewhere, DIN CELAJ, the defendant, unlawfully, willfully and knowingly used and carried, and aided and abetted the use and carrying of, a firearm during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, to wit, the crime charged in Count Two of this Indictment, and possessed, and aided and abetted the possession

of, a firearm in furtherance of said crime, during which a firearm was brandished.

(Title 18, United States Code,
Sections 924(c)(1)(A)(i) and (ii), and 2.)


GRAND JURY FOREPERSON


MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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(Title 18, U.S.C §§ 371, 924(c)(1)(A)(i) and (ii), 1341, 1951 and 2;
Title 21, U.S.C § 846.)

Benjamin Gruenstein
212-637-2315

MICHAEL J. GARCIA
United States Attorney

A TRUE BILL

Chenette O'J. Marrero
Foreperson.
9/5/07 - Fld. Indictment; Case Assigned to
Judge Marrero. S/Eaton, A. U.S.M.J.

Post-It 11/1/87